

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of  
  
Amendment of the  
Commission's Rules  
Concerning Maritime  
Communications

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PR Docket No. 92-257

To: The Commission

JOINT COMMENTS  
OF THE  
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.,  
AND  
COUNCIL OF INDEPENDENT COMMUNICATION SUPPLIERS

The Industrial Telecommunications Association, Inc. ("ITA")  
and the Council of Independent Communication Suppliers ("CICS")  
hereby respectfully submit these Comments responsive to the  
Commission's proposals in the above-captioned proceeding.<sup>1</sup>

I. PRELIMINARY STATEMENT

1. The Industrial Telecommunications Association, formerly  
the Special Industrial Radio Service Association, Inc., is a non-  
profit association organized under the laws of the District of  
Columbia. ITA is the Commission's certified frequency  
coordinator for the Special Industrial Radio Service and the  
Industrial/Land Transportation 800/900 MHz frequency "pools."

<sup>1</sup> Notice of Proposed Rule Making (FCC 92-497), PR Docket  
No. 92-257, adopted November 5, 1992 (hereinafter "Notice").

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ITA also coordinates channels from the general access pool for those entities (a) eligible to become Industrial/Land Transportation licensees, (b) wishing to expand trunked systems, or (c) consolidating conventional systems into a trunked system. Additionally, in the Commission's May 11, 1993 decision in PR Docket No. 92-209, ITA was authorized to coordinate applications proposing to use the 800 MHz General Category channels for conventional SMR systems. ITA coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated to the Special Industrial Radio Service and the enumerated 800/900 MHz frequency "pools."

2. ITA enjoys the support of a membership that includes more than 9,000 licensed two-way land mobile radio communications users and the following trade associations:

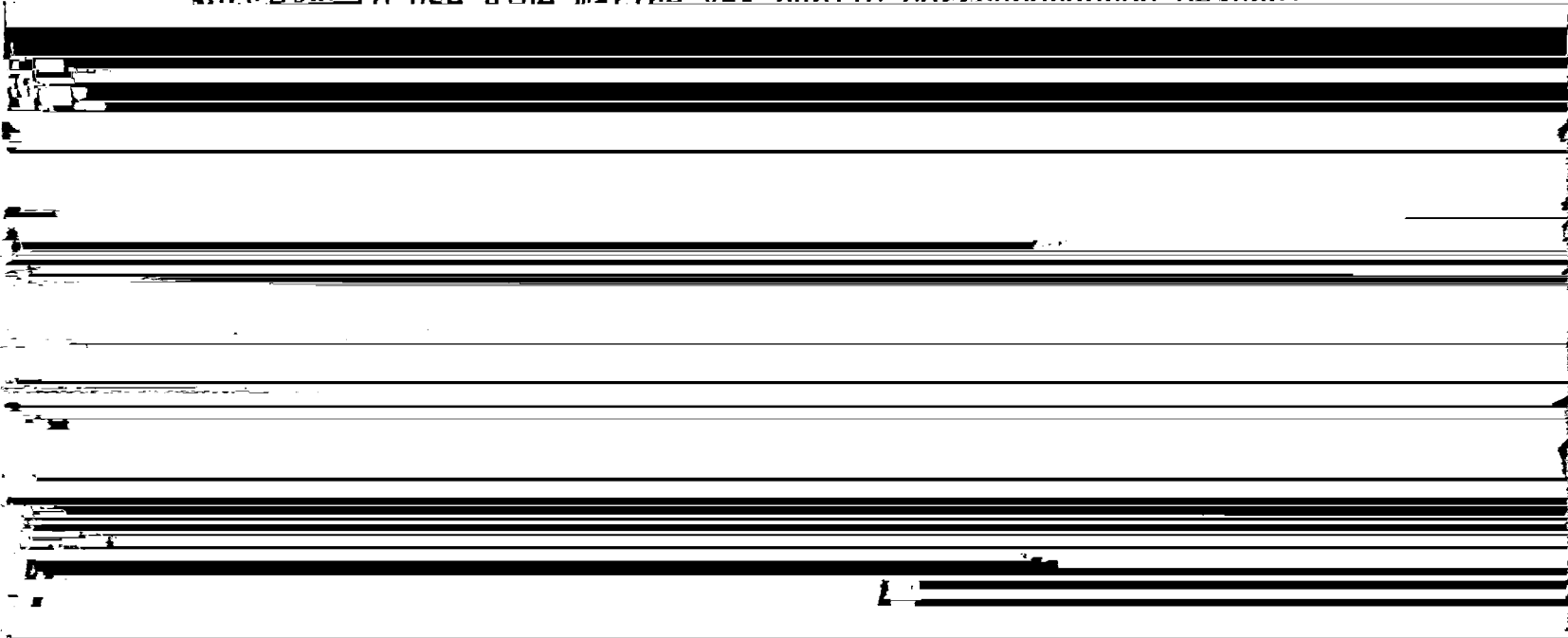
Alliance of Motion Picture and Television Producers  
American Mining Congress  
Associated Builders & Contractors, Inc.  
Florida Citrus Processors Association  
Florida Fruit & Vegetable Association  
National Aggregates Association  
National Agricultural Aviation Association  
National Food Processors Association  
National Propane Gas Association  
National Ready-Mixed Concrete Association  
National Utility Contractors Association  
New England Fuel Institute  
United States Telephone Association

3. The Council of Independent Communication Suppliers is an unincorporated association of entities engaged in serving the

needs of private radio eligibles, particularly those located in small and rural communities throughout the United States. CICS' membership is open to SMR operators, radio dealers, equipment suppliers, and consultants. CICS was formed to provide these entities with a voice in the policy-making process governing use of the electromagnetic spectrum, especially spectrum allocated to the private land mobile radio services. CICS is an independent membership market council of the Industrial Telecommunications Associations, Inc.

## II. BACKGROUND

4. In this proceeding, the Commission has proposed:  
(1) to apply the streamlined regulatory scheme for non-dominant common carriers to public coast stations, and (2) to allow entities eligible in the Industrial/Land Transportation Radio Services to use nine marine VHF public correspondence channels



### III. COMMENTS

5. ITA and CICS fully support the Commission's proposal to permit industrial and land transportation entities to use the nine VHF public correspondence channels for base/mobile operations under Part 90. The proposal is based on sound spectrum management principles. ITA and CICS believe that the public interest will be promoted by permitting use of the nine VHF channel pairs for industrial/land transportation purposes in areas of the country where the frequencies would otherwise lie fallow.

6. The Commission has proposed that use of the public correspondence channels under Part 90 be limited to entities eligible in the Industrial and Land Transportation Radio Services. The Commission chose to limit the proposed sharing to industrial/land transportation systems because such systems commonly operate in regions where the maritime channels are not used. ITA and CICS support this proposed limitation.

7. Access to the public correspondence channels should be limited to entities eligible in the Industrial and Land Transportation Services. The FCC's proposal involves only nine channel pairs. There is not likely to be sufficient spectrum to accommodate other uses under Part 90. On two occasions in the past three years, the Commission has denied petitions for rule

making filed in an effort to obtain additional spectrum for industrial/land transportation use in rural areas.<sup>2</sup> The instant proceeding offers the prospect of providing limited relief to the congestion facing users of the industrial/land transportation frequencies below 800 MHz. The Commission should not dilute this potential relief by allowing other services to use the frequencies.

8. ITA and CICS also support adoption of the co-channel separation criteria proposed by the Commission. Under the proposal, an industrial/land transportation base station using the marine public correspondence channels would have to be at least 88 kilometers (55 miles) from navigable waterways and from existing co-channel public coast stations. This minimum separation would apply to industrial/land transportation stations operating with 50 watts ERP and a height above average terrain (HAAT) of 50 feet. A separation of more than 55 miles would be required for industrial/land transportation stations operating with higher ERP and/or greater HAAT.

9. The Commission's proposal asks for comment on whether industrial and land transportation licensees using frequencies in the 156-162 MHz band should be required to use narrowband equipment. ITA and CICS believe that land mobile licensees in

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<sup>2</sup> See, e.g., Order adopted March 24, 1992 dismissing Petition for Rule Making, RM-7480, 7 FCC Rcd 2183 (1992).

this band should be permitted to use equipment that is currently available in the marketplace. There is an abundance of equipment available. It is critical that the nine channel pairs, once allocated for land mobile operations, be put to use promptly.

10. If industrial and land mobile licensees on the nine channel pairs in the 156-162 MHz band were required to use narrowband equipment, it would delay use of the band for land mobile communications. More importantly, in view of the proportionately small outlet for the equipment, manufacturers may be reluctant to invest time and money in the developmental efforts necessary to produce narrowband equipment. Further, the issue of use of narrowband equipment in the 150-174 MHz band is under consideration in the FCC's "refarming" proceeding, PR Docket No. 92-235. ITA and CICS believe that the Commission should not reach any conclusions regarding use of narrowband equipment in the 156-162 MHz band until after it resolves related issues in the "refarming" proceeding.

11. The Notice also raises the question of what the effect would be on industrial/land transportation use of the 156-162 MHz band if the FCC does eventually adopt a single "non-commercial" radio service as part of the "refarming" proceeding. ITA and CICS believe that consideration of this question is premature at this time. The issue of the appropriate number of radio services and/or pools under the new Part 88 proposed in PR Docket

No. 92-235 is far from resolved.

12. In their comments filed in Docket No. 92-235, ITA and CICS have supported creation of a "Private Industrial" service category and a separate "Business/General Category" service pool in lieu of the proposed "non-commercial" category. Other parties have proposed similar arrangements. Until the question of the number of, and nature of, the service pools to be created for the private land mobile spectrum below 800 MHz has been definitively resolved, it seems pointless to try to anticipate how this issue may affect industrial/land transportation use of the 156-162 MHz band.

13. The Notice proposes to recognize the Industrial Telecommunications Association as the frequency coordinator for applications proposing to use the band 156-162 MHz for industrial and land transportation systems under Part 90.<sup>3</sup> ITA and CICS enthusiastically support this proposal. ITA is well situated to coordinate land mobile applications for the 156-162 MHz band and has 40 years' experience in coordinating applications for the private land mobile radio services.

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<sup>3</sup> In footnote 75, the Notice states that "(w)e are proposing to certify the Special Industrial Radio Service Association as the recognized coordinator" for applications proposing to use the 156-162 MHz band under Part 90. As noted previously in these comments, the Industrial Telecommunications Association was formerly the Special Industrial Radio Service Association.

#### IV. CONCLUSION

14. ITA and CICS wholeheartedly support the Commission's proposal in this proceeding to allow industrial and land transportation entities to use the nine VHF public correspondence channels for base/mobile operations under Part 90. This proposal serves the public interest by permitting more efficient use of these channel pairs in areas of the country where they are not intensively used. ITA and CICS also support adoption of the co-channel separation criteria proposed by the Commission.

15. ITA and CICS believe that land mobile licensees in this band should be permitted to use equipment that is currently available in the marketplace. Until the larger questions relating to narrowband operations in the 150-174 MHz band have been resolved in PR Docket No. 92-235, it is premature to consider the question of whether land mobile licensees using the 156-162 MHz band should be required to employ narrowband equipment. Finally, ITA and CICS enthusiastically support the Commission's proposal to recognize the Industrial Telecommunications Association as the frequency coordinator for land mobile use of the 156-162 MHz band.



WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. and the Council of Independent Communication Suppliers respectfully submit these Comments and urge the Federal Communications Commission to act in accordance with the views expressed herein.

INDUSTRIAL TELECOMMUNICATIONS  
ASSOCIATION, INC.

By: 